

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE**

KATHY J. BOND and MARC J. FLICKINGER,)	
)	
Plaintiffs,)	
)	
vs.)	No. 3:04-CV-299
)	
RICHARD L. RIST,)	
)	
Defendant.)	

ORDER TO SHOW CAUSE

This cause was heard on July 13, 2005 on motion of the Court concerning the status of the Order of Dismissal which was announced on June 10, 2005 by counsel to the parties to be forthcoming as a result of a settlement of all matters in controversy reached in mediation on that date. Counsel to the plaintiffs advised the Court that prior to mediation Plaintiffs Bond and Flickinger were divorced resulting in Flickinger's loss of his derivative claim, and an agreement was reached by and between the plaintiffs that only the plaintiff Kathy J. Bond was to share in settlement proceeds and that the plaintiff Marc Flickinger was waiving any derivative claim, if any, that he had. Plaintiffs' counsel further advised the Court that post settlement the plaintiff Flickinger after first stating he would sign the release and endorse the draft, has now asserted entitlement to part of the settlement proceeds and has refused to endorse the settlement draft and to execute the release as he had previously agreed to do.

It is hereby accordingly ORDERED that the plaintiff Marc Flickinger shall appear in open court on Wednesday, August 3, 2005 at 10:00 a.m., or as soon thereafter as can be reached on the

Court's docket, and show cause if any he has why an Order should not enter dismissing with prejudice all claims of both plaintiffs and directing the defendant to pay directly to the plaintiff Kathy J. Bond and her counsel the entire amount of the settlement reached at mediation on June 10, 2005.

s/ H. Bruce Guyton
United States Magistrate Judge

H. BRUCE GUYTON
MAGISTRATE JUDGE

NICKLE & LaFEVOR

**DUNN, MacDONALD, COLEMAN &
REYNOLDS, P.C.**

BY: /s/ James R. LaFevor
James R. LaFevor, **BPR #001051**
Attorney for Plaintiffs
800 South Gay Street, Suite 1900
Knoxville, TN 37929-1900
(865) 637-6258

BY: /s/ James S. MacDonald
James S. MacDonald, **BPR #2221**
Attorneys for Richard L. Rist
6204 Baum Drive
Knoxville, TN 37919-9502
(865) 525-0505

G:\JSM\Rist.Richard.2K04385\Pleadings\Order to Show Cause.wpd